

AFFIDAVIT IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT

STATE OF MARYLAND, COUNTY OF FREDERICK, TO WIT:

I HEREBY CERTIFY that on this 21st day of September, 1979, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared Wilbert O. Fish and Malwine A. Fish, his wife, and made oath in due form of law as follows:

That we are the fee simple owners of all that tract or parcel of land containing five acres, more or less, described as Lot No.4A as shown on a plat of Rhod-Ayr Subdivsion as recorded on July 6, 1971, in Plat Book 6, page 134, one of the plat records of Frederick County, Maryland, all as will more fully appear on a copy of Plaintiffs' deed designated as Exhibit 1 to the Bill of Complaint filed in these proceedings.

That the defendants, namely Hall E. Saylor and Erma R. Saylor, his wife, are the owners of Lot No. 6 of Rhod-Ayr Subdivision, said lot abutting the above-described real property of the plaintiffs. That a block building erected on the real property of the defendants encroaches over the boundary line between the plaintiffs' and the defendants' property, all as will more fully appear on a copy of a plat prepared by Harris, Smariga & Associates, dated June 30, 1978, and designated as the final plat, a resubdivision of part of Lot 4A, Rhod-Ayr attached to the original Bill of Complaint and designated as Exhibit 2.

That we did not consent to the construction of the aforesaid block building on our property and in fact we have requested that the defendants remove the same, and they have failed to do so.

We aver that we are competent to be witnesses, and we have personal knowledge of the facts herein stated.